United Nations A/65/183

General Assembly

Distr.: General
29 July 2010

Original: English

Sixty-fifth session
Item 144 of the provisional agenda*
Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Revised estimates relating to the budget of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 for the biennium 2010-2011

Report of the Secretary-General

Summary

The present report reflects additional resource requirements in the amount of $42,549,600, net of staff assessment, over the initial appropriation for the biennium 2010-2011, as approved by the General Assembly in its resolution 64/240 for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991. The increased requirements are due to the revision of the trial schedule for the biennium to reflect changes in the completion dates of a number of first-instance trials. The Assembly is requested to approve an additional appropriation in the amount of $47,603,800 gross ($42,549,600 net) to the Special Account for the International Tribunal for the Former Yugoslavia for the biennium 2010-2011.

* A/65/150.

10-46784 (E) 160810

Please recycle

I. Introduction

1. The General Assembly, in its resolution 64/240, decided to appropriate to the Special Account for the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 a total amount of $290,285,500 gross ($267,987,800 net) for the biennium 2010-2011.

2. In paragraph 5 of his report to the General Assembly on the budget for the Tribunal for the biennium 2010-2011 (A/64/476), the Secretary-General indicated that a number of external factors beyond the Tribunal's control could and would have a major impact on the anticipated completion dates of trials. He also indicated that should the trial schedule vary significantly from that used for the formulation of the 2010-2011 budget proposal, the requirements would have to be reassessed and estimates related to the changes in the trial schedule would be addressed in the context of revised estimates.

3. Since the budget for the Tribunal for the biennium 2010-2011 was approved, for reasons beyond the Tribunal's control, the trial schedule has been revised to reflect changes in the completion dates of a number of first-instance trials as compared with the schedule available at the time of the preparation of the budget.

II. Revised programme of work for 2010-2011

4. The approved budget for the Tribunal was prepared with reference to the trial schedule applicable at the time of the preparation of the budget for the biennium 2010-2011. That trial schedule had contemplated the undertaking of six to eight concurrent trials during the first nine months of 2010 and the reduction of trial activity as from the third quarter of 2010, with five trials running by October 2010, four trials by November 2010, three trials in January 2011 and only one extending into 2012. During the biennium 2010-2011, the Tribunal was expected to hear 8 first-instance trials, involving 15 accused, and to complete 7 cases, involving 14 accused, as set out below:

(a) Cases in which judgement will be completed: 7 cases involving 14 accused (*Šešelj* (1 accused); *Stanišić and Simatović* (2 accused); *Perišić* (1 accused); *M. Stanišić and Župljanin* (2 accused); *Tolimir* (1 accused); *Đorđević* (1 accused); and *Prlić et al.* (6 accused));

(b) Cases in which trials will be ongoing: 1 case involving 1 accused (*Karadžić*).

5. However, the estimates of the time frame for the completion of the ongoing trials have been revised in the light of progress made since the submission of the initial budget proposals for the biennium 2010-2011. It should be noted that the anticipated commencement and completion dates of trials are based on current estimates, which are subject to change owing to factors beyond the control of the Tribunal, such as the health of the accused, the number of interlocutory appeals submitted during the proceedings, requests for the replacement of defence counsel and self-representation, the unforeseen disclosure of materials such as the 18 military notebooks of Ratko Mladić and other motions affecting the proceedings, such as the availability of witnesses to certify statements and provide testimony.

6. Owing to the lengthening of the time frame for completion, two first-instance cases (*Popović et al.* and *Gotovina et al.*) originally scheduled for completion in 2009 are now due for completion in 2010 (the judgement in *Popović et al.* was in fact rendered on 10 June). At the same time, four first-instance cases (*Šešelj*, *Perišić*, *M. Stanišić and Župljanin* and *Tolimir*) originally scheduled for completion in 2010, now extend through 2011 and into 2012. Furthermore, one case due to be completed in early 2011 (*Stanišić and Simatović*) has now been extended into 2012.

7. During the biennium, the Tribunal will be conducting trials and writing judgements in 10 cases involving 25 accused persons, as set out below:

(a) Cases in which judgement will be completed: 5 cases involving 18 accused (*Perišić* (1 accused); *Đorđević* (1 accused); *Prlić et al.* (6 accused); *Gotovina et al.* (3 accused); and *Popović et al.* (7 accused));

(b) Cases in which trials will be ongoing: 5 cases involving 7 accused (*Šešelj* (1 accused); *M. Stanišić and Župljanin* (2 accused); *Karadžić* (1 accused); *Stanišić and Simatović* (2 accused); and *Tolimir* (1 accused)).

8. In summary, the changes in the trial schedule since the time of the preparation of the budget for the biennium 2010-2011 have had a significant impact on the trial workload for the biennium. While significant progress in trial proceedings has been made in recent years, factors over which the Tribunal has no control continue to have an impact on the estimated completion dates of trials. The Tribunal is doing its utmost to expedite the proceedings while at the same time ensuring the rights of the accused to due process.

9. The budget of the Tribunal is mainly trial-driven. The greater the number of trials running at the same time, the greater the number of staff in the Chambers, the Office of the Prosecutor and the Registry required to support the proceedings. In the schedule used for the preparation of the budget for the biennium 2010-2011, the Tribunal anticipated a decrease in trial activity as from the third quarter of 2010 following the completion of first-instance trials. It was anticipated that, as at the end of September 2010, the Tribunal would be running five trials concurrently, of which one was due to be completed by the end of October, one was due to be completed by the end of December and two were due to be completed by the end of February 2011, with one remaining trial extending into 2012. However, under the latest schedule, eight trials will be running at the same time until the end of December 2010, with seven of them continuing until the end of April 2011, six until the end of September and five until December. On the basis of the revised trial schedule, the Tribunal anticipates that there will not be a decrease in trial activity in 2010 as originally planned, with the pace remaining unaltered at 2009 levels, and that the pace of trial activity will be reduced only slightly as from October 2011, when the number of concurrent trials will be reduced from six to five.

III. Status report on trials and referrals as at 30 June 2010

Popović et al.

10. It was forecast that the trial of *Popović et al.* would be completed in October 2009, but it was actually completed in June 2010, which reflects an eight-month delay owing to staff turnover and other judicial commitments of the judges. The presiding judge, Judge Agius, is a member of the Appeals Chamber and Chair of the

Rules Committee, and Judge Kwon is the Vice-President of the Tribunal and the presiding judge in the *Karadžić* case. Throughout the course of the trial there has been a lack of continuity in the legal support provided to the judges of the Chamber, due not only to departures of staff from the Tribunal, but also to the need for several of the staff to contribute to other cases. Of the six staff members currently working full-time on the case, only one has been with the case since the commencement of the trial in July 2006. In addition, three experienced members of the legal staff, who had worked on the trial for years, left shortly before the end of the evidentiary phase of the trial. During the judgement-drafting phase, promotion and illness have further reduced the continuity of the legal support.

Đorđević

11. It was forecast that the *Đorđević* trial would be completed in May 2010. However, the estimate has since been revised to September, a delay of four months. The defence case, which commenced on 30 November 2009, has been more extensive than anticipated, in part because of the use of evidence from domestic trials in the region, which concerned the same crimes. Deliberations in the trial will be lengthened because two of the three judges of the *Đorđević* bench are also sitting in other trials (Judge Flügge as presiding judge in *Tolimir* and Judge Baird in *Karadžić*).

Gotovina et al.

12. It was forecast that the *Gotovina et al.* trial would be completed in October 2009. The estimate has since been revised to December 2010, however, reflecting a 14-month delay. After the defence cases concluded at the end of January 2010, the Chamber decided to call seven witnesses. The evidence of those witnesses has become more complicated than expected, however, owing to developments in Croatia in December 2009, namely, a domestic criminal investigation that is interlinked with some of the witnesses the Chamber wishes to hear. As a direct consequence of that investigation, the prosecution filed a motion to reopen its case to hear another three witnesses. The Chamber granted the prosecution motion, and the defence requested certification to appeal the decision. The request was granted by the Trial Chamber in late April 2010 and is pending before the Appeals Chamber. The full consequences in terms of delay are therefore still unknown. Throughout the trial, there has been extensive litigation regarding unfulfilled prosecution requests for the production of documents by Croatia. Furthermore, in December 2009, another criminal investigation in Croatia led to arrests and searches of members of the Gotovina defence team, which created a series of challenges related to the fair and expeditious conduct of the proceedings. Finally, since the beginning of 2009, two of the judges and members of the legal support staff have been engaged in another case (*Stanišić and Simatović*), which has allowed both trials to move forward, but which has also resulted in resources being diverted from the *Gotovina et al.* trial. In addition, one staff member left the legal support staff and was replaced with a less-experienced person.

Perišić

13. It was forecast that the *Perišić* trial would be completed in September 2010, but the estimate has since been revised to April 2011, reflecting a seven-month delay. Although the prosecution called fewer witnesses than anticipated to give

evidence, in terms of calendar months the trial took longer than originally estimated because of scheduling problems and the late admission of a significant number of documents. There have also been late developments, with the prosecution discovering new evidence following fresh investigations undertaken by national authorities. This new evidence, which consists of a number of documents, has necessitated an adjournment of the proceedings to give time for the materials to be translated and to give the defence the opportunity to reassess its case. The team leader of the legal support staff left the Tribunal and had to be replaced internally during the autumn of 2009, which had an impact on the expeditious conduct of the proceedings.

Prlić et al.

14. It was forecast that the *Prlić et al.* trial would be completed in February 2011, but the estimate has since been revised to September 2011, reflecting a seven-month delay. Since the start of the trial, the Chamber has dealt with more than 489 written motions and to date has issued 654 written decisions. Some of the motions, including those for the admission of 735 adjudicated facts and more than 5,000 exhibits from the bar table, have been exceedingly complicated. Additionally, the Chamber has issued decisions on oral motions for the admission of evidence through 208 viva voce witnesses. The Trial Chamber has analysed 216 written statements for admission pursuant to rule 92 bis of the Tribunal's rules of procedure and evidence. To date, 9,575 exhibits have been admitted. Presiding Judge Antonetti is also serving as the presiding judge in the *Šešelj* trial, and Judge Mindua sits on the bench in *Tolimir*; scheduling is therefore a challenge for those three trials. Moreover, a high turnover of the staff has had an impact upon the work of the Chamber. Since the beginning of the trial, four different senior legal officers have been assigned to the case in succession, as well as five different legal officers. Currently, out of the eight-person legal support team, one member has less than six months' experience in the Tribunal, another just one year of experience and two others 18 months' experience. Taking into account the length and complexity of the case, it takes several months for each replacement to become familiar with the case. The constant staff attrition in this trial affects the time needed for the Chamber to decide the numerous motions filed by the parties, as well as the time required to analyse the evidence and prepare the final judgement. The progress of the *Prlić et al.* trial may be significantly delayed by a motion filed by the prosecution on 25 May 2010 to reopen its case-in-chief[1] so that it can tender as evidence excerpts of the recently discovered 18 military notebooks of Ratko Mladić.

Šešelj

15. It was forecast that the *Šešelj* trial would be completed in July 2010, but the estimate has since been revised to March 2012, reflecting a 20-month delay. After 11 months of suspension, from February to December 2009, owing to allegations of witness intimidation that are still pending before other chambers, the Trial Chamber decided, on 23 November 2009, to resume the trial on 12 January 2010. As Šešelj has consistently maintained that he would not mount a defence, the original assessment of the length of trial had been based on that representation. However,

[1] The first stage of trial when the prosecution makes its case, bringing witnesses and introducing written evidence.

Šešelj has now advised that he will bring a defence and stated that he would need two years for its preparation. This new development has had a significant impact on the anticipated length of the proceedings. The tremendous out-of-court workload generated by this case also cannot be overlooked. Since 2007, the Trial Chamber has issued approximately 333 written and 75 oral decisions. The Chamber is seized of approximately 10 to 15 motions monthly and issues an average of 10 decisions a month. The prosecution has submitted numerous motions for the admission of adjudicated facts and other evidence, which require extensive analysis by the staff and deliberations on the part of the judges. All three judges in the trial are involved in other trials (presiding Judge Antonetti is also the presiding judge in *Prlić et al.*; Judge Harhoff also sits in *Stanišić and Župljanin*; and Judge Lattanzi sits in *Karadžić*) which makes scheduling those four trials a challenge. The team of lawyers assisting the Trial Chamber on the *Šešelj* case is understaffed. At the beginning of the case, the team was composed of seven staff members. Because of significant turnover, the team currently is working on the case is composed of only four staff members, three of whom have less than six months of experience with the case and two of whom have less than six months of experience in the Tribunal. This adversely affects the work of the Trial Chamber as a whole, in particular on the rate of determining and disposing of motions and analysing evidence. This case may also be affected by the discovery of the 18 Mladić notebooks, which the prosecution has requested additional time to analyse. Owing to the magnitude of the new material, the Trial Chamber granted the prosecution until 16 July 2010 to file a motion in relation to the notebooks.

Stanišić and Župljanin

16. It was forecast that the *Stanišić and Župljanin* trial would be completed in October 2010, but the estimate has since been revised to June 2012, reflecting a 20-month delay. The pretrial assessment of the anticipated length of the proceedings was based on the limited information available at the time and is now considered to have been overly optimistic for a number of reasons. The pressing need to start this eighth concurrent trial in September 2009, coupled with the departure of three judges from the Tribunal at the same time, necessitated the creation of a bench with two permanent judges, both new to the Tribunal, and an existing ad litem judge already assigned to another ongoing case. Although the use of rule 92 witness statements has resulted in some time savings, many witnesses are still required to testify as prosecution witnesses, as their prior testimony admitted from a previous case does not include relevant evidence directly relating to the accused in this case. Recent decisions on the admission of adjudicated facts are also expected to lead to a request for further witnesses to be added. Hearings have been adjourned on three occasions, first for two weeks early in the trial to enable further preparation by both the Chamber and the parties and twice following the winter recess for one-week periods to allow the Chamber time to deliberate on some of the many outstanding motions. Progress on those matters has been hindered by a number of factors, the most relevant of which is the combination of the low level of staffing for a case of this size and complexity and the relative inexperience of the legal support team. The team consists of four staff members plus a fellow, only two of whom have more than one year of experience at the Tribunal. The prosecution has recently filed a motion to add the recently discovered 18 military notebooks of Ratko Mladić to its list of potential exhibits. If the Trial Chamber grants this motion, the case may be further delayed in order to allow the defence time to review the new material.

Stanišić and Simatović

17. It was forecast that the *Stanišić and Simatović* trial would be completed in February 2011, but the estimate has been revised to July 2012, reflecting a 17-month delay. The presentation of the prosecution's case-in-chief commenced on 29 June 2009. On 2 August 2009, the lead counsel for Simatović passed away, and the case was adjourned until a replacement was assigned. Although the new Simatović defence team requested an adjournment of eight months to prepare for the trial, the Trial Chamber granted a shorter period and the trial recommenced at the end of November. Another short adjournment was necessary in March and April to allow the new Simatović defence team to adequately prepare to cross-examine prosecution witnesses. The Chamber and its legal support staff continue to conduct this case in parallel with other cases (presiding Judge Orie and Judge Gwaunza on *Gotovina et al.* and Judge Picard on *Perišić*) by means of rigorous management of the court calendar. The case has only one legal officer assigned to it full time, and the rest of the staff providing legal support to the judges in this trial are also supporting judges in other cases. The original assessment of the length of time anticipated for this case was based on the Chamber sitting more days per week than currently scheduled and the commitment of the judges to other cases. There are also issues with the health of the accused that necessitate the case sitting shorter court times. The prosecution has recently filed a motion seeking to add to its list of exhibits the recently discovered 18 military notebooks of Ratko Mladić allegedly made from 1991 to 1995. If the Trial Chamber determines that it is in the interest of justice to grant the motion, it will take longer to conclude this case than is currently anticipated.

Karadžić

18. It was forecast that the *Karadžić* trial would be completed in February 2012, but the estimate has since been revised to December 2012, reflecting a 10-month delay. The trial commenced on 26 October 2009, and the prosecution made its opening statement over a period of two days. The accused maintained that he had not had enough time to prepare for the trial, however, and refused to attend the proceedings. As a consequence, the Chamber ordered the Registrar to appoint defence counsel to begin preparing to represent the accused at trial, and adjourned between November and March to allow sufficient preparation time. The accused challenged the selection of counsel and sought additional Tribunal resources for his own defence team. While the Appeals Chamber ultimately upheld the Registrar's selection of counsel, the President ordered that additional funds be provided for both the pretrial and trial phases. The accused then filed a motion for further postponement of the trial on the basis that he remained insufficiently prepared owing in part to the Registrar's decisions on defence funding. This motion was denied by the Chamber, and the opening statement from the accused was heard on 1 and 2 March 2010. On 1 March, however, the accused sought certification to appeal the Chamber's decision on the postponement of trial, which was granted by the Trial Chamber. The Trial Chamber also stayed the effect of its decision on postponement until the matter was resolved by the Appeals Chamber. On 31 March, the Appeals Chamber dismissed the appeal in its entirety, and the Trial Chamber subsequently ordered that the trial resume on 13 April with the hearing of the first witness. The legal team assigned to the *Karadžić* Chamber is significantly understaffed, with only four full-time legal staff plus a part-time fellow and interns. This staffing shortage will continue to have an impact on the time required to deal

with the ongoing motions and practical issues arising during the course of the trial and to carry out the necessary analysis of evidence. The prosecution has recently filed a motion seeking to add to its exhibit list the recently discovered military notebooks of Ratko Mladić. Should that motion be granted by the Trial Chamber, it may have a substantial impact on the overall length of the trial.

Tolimir

19. It was forecast that the *Tolimir* trial would be completed in December 2010, but the estimate has since been revised to February 2012, reflecting a 14-month delay. The start of the trial had been scheduled for mid-December 2009, but on 9 December the Trial Chamber ordered a postponement by at least two months because of a prosecution motion to amend the indictment and add significant new charges. The motion was granted by the Chamber and the indictment was amended accordingly. Since Tolimir's transfer to The Hague in June 2007, legal support in the case has been handicapped by the staff's responsibilities in other proceedings. Of the five staff currently providing legal support, three have significant commitments in other cases, and this inevitably sets limits on the speed with which the trial can be conducted. The judges on the bench also have commitments in other proceedings (presiding Judge Flügge in *Đorđević* and Judge Mindua in *Prlić et al.*), a situation that is anticipated to continue throughout the remainder of 2010 and beyond. In addition, Tolimir is representing himself, and the consequent need for translation into Bosnian/Croatian/Serbian inevitably protracts the proceedings.

IV. Additional resource requirements for the biennium 2010-2011

Table 1
Additional requirements by component
(Thousands of United States dollars)

	Initial appropriation	*Change*	*Estimate*
Expenditure			
A. Chambers	12 972.6	2 294.8	15 267.4
B. Office of the Prosecutor	60 620.0	17 302.8	77 922.8
C. Registry	212 853.3	28 006.2	240 859.5
D. Records management and archives	3 839.6	—	3 839.6
Total requirements (gross)	**290 285.5**	**47 603.8**	**337 889.3**
Income			
Income from staff assessment	22 020.2	5 054.2	27 074.4
Other income	277.5	—	277.5
Total (net)	**267 987.8**	**42 549.6**	**310 537.4**

Table 2
Additional requirements by object of expenditure
(Thousands of United States dollars)

	Initial appropriation	*Change*	*Estimate*
Expenditure			
Posts	130 465.6	—	130 465.6
Other staff costs	44 302.0	32 683.0	76 985.0
Non-staff compensation	12 791.4	2 294.8	15 086.2
Consultants and experts	808.4	—	808.4
Travel	4 303.7	184.0	4 487.7
Contractual services	41 743.4	7 387.8	49 131.2
General operating expenses	27 168.9	—	27 168.9
Hospitality	16.8	—	16.8
Supplies and materials	1 888.7	—	1 888.7
Furniture and equipment	4 235.7	—	4 235.7
Improvement of premises	250.3	—	250.3
Grants and contributions	290.4	—	290.4
Staff assessment	22 020.2	5 054.2	27 074.4
Total (gross)	**290 285.5**	**47 603.8**	**337 889.3**
Income			
Income from staff assessment	22 020.2	5 054.2	27 074.4
Other income	277.5	—	277.5
Total (net)	**267 987.8**	**42 549.6**	**310 537.4**

20. The overall level of resources approved for the biennium 2010-2011 reflected a reduction in posts and non-post resources in line with the projected reduction in trial activity as from the third quarter of 2010. Based on revised trial projections, the Tribunal anticipates full first-instance trial activity throughout 2010, with only a marginal decrease in the pace as from the third quarter of 2011.

21. On the basis of the reduction in trial activity projected at the time of the finalization of the budget proposals, the approved budget of the Tribunal for 2010-2011 provided for the abolition of 186 posts during the biennium, as follows: 9 posts effective 1 January 2010; 7 posts effective 1 June 2010; 2 posts effective 1 August 2010; 6 posts effective 1 October 2010; 11 posts effective 1 November 2010; 34 posts effective 1 January 2011; 109 posts effective 1 March 2011; and 8 posts effective 1 April 2011. It is proposed that the functions of the abolished posts be gradually phased out during the biennium, in line with the completion of first-instance trials. In order to ensure that the Tribunal has the flexibility to accelerate or decelerate the phasing out of individual posts, it is proposed that 35 posts be abolished as from 1 January 2010 and 151 posts be abolished as from 1 January 2011, but that funding be provided through general temporary assistance to enable critical functions of the posts to be maintained in order to support the trials to be held and completed at different dates during the biennium (see A/64/476, para. 18).

22. Current projections assume that six trials will be conducted in 2010 and the first three quarters of 2011. Accordingly, in order to ensure the steady progress and completion of trial activities and enable the Trial Chambers to optimally utilize courtroom and judicial capacity, the Tribunal would require the continuation of the functions of the posts earmarked for abolition for a total of 3,579 work-months (1,550 work-months for the Professional and higher category and 2,029 work-months for the General Service and other category), to be funded through general temporary assistance.

23. In addition, a number of non-post items in the approved budget were adjusted to account for reduced trial activity in the biennium. In view of the revised trial projections, additional provisions are requested for the following non-post items: salaries and allowances of judges, general temporary assistance, temporary assistance for translation and interpretation, verbatim reporting, travel, defence counsel fees and detention facilities, as set out in the paragraphs that follow.

A. Chambers

Table 3
Additional requirements by object of expenditure
(Thousands of United States dollars)

	Initial appropriation	*Change*	*Estimate*
Non-staff compensation	12 791.4	2 294.8	15 086.2
Consultants and experts	30.6	—	30.6
Travel	150.6	—	150.6
Total (gross)	**12 972.6**	**2 294.8**	**15 267.4**

Resource requirements

Salaries and allowances of judges

24. The estimated additional requirements of $2,294,800 under this heading would provide for honorariums for seven judges for an additional 131 work-months to support the trials in accordance with the revised trial schedule ($2,975,400), offset partly by reduced requirements under common costs of judges ($289,200) and pensions of judges ($391,400).

25. The approved budget for honorariums of judges was based on a total of 440 work-months and the departure in 2010 and 2011 of 4 permanent and 10 ad litem judges. Taking into account the latest trial schedule, the revised estimates for honorariums of judges are based on 571 work-months and the departure in 2010 and 2011 of one permanent and six ad litem judges.

26. The common costs of judges include travel on home leave, education allowance and relocation costs. Decreased requirements are due to a reduction in the number of judges repatriated during the biennium.

27. Decreased requirements for pension benefits for retired judges are due to the delayed retirement of three judges as a result of the revised trial schedule.

B. Office of the Prosecutor

Table 4
Additional requirements by object of expenditure
(Thousands of United States dollars)

	Initial appropriation	*Change*	*Estimate*
Expenditure			
Posts	35 401.9	—	35 401.9
Other staff costs	18 613.9	14 854.4	33 468.3
Consultants and experts	313.4	—	313.4
Travel	696.8	184.0	880.8
Contractual services	49.4	—	49.4
Staff assessment	5 544.6	2 264.4	7 809.0
Total (gross)	**60 620.0**	**17 302.8**	**77 922.8**
Income			
Income from staff assessment	5 544.6	2 264.4	7 809.0
Total (net)	**55 075.4**	**15 038.4**	**70 113.8**

Resource requirements

Other staff costs

28. The estimated additional requirements of $14,854,400 under this heading include:

(a) A provision of $5,344,100 for the continuation of the functions of the positions proposed for abolition in the budget for the biennium 2010-2011 for a total of 582 work-months (359 work-months at the Professional level and 223 work-months at the General Service level). It was initially proposed to abolish 73 posts in the Office of the Prosecutor during the biennium. The functions of the abolished posts were proposed to be phased gradually out as follows: (a) January 2010: 9 posts (1 P-3, 5 P-2 and 3 General Service (Other level)); (b) June 2010: 7 posts (1 P-3, 3 P-2 and 3 General Service (Other level)); (c) August 2010: 2 posts (P-2); (d) October 2010: 2 posts (1 P-3 and 1 P-2); (e) November 2010: 6 posts (1 P-4, 2 P-3, 2 P-2 and 1 General Service (Other level)); (f) January 2011: 8 posts (2 P-3, 2 P-2, 1 General Service (Principal level) and 3 General Service (Other level)); and (g) March 2011: 39 posts (3 P-5, 5 P-4, 12 P-3, 1 P-2 and 18 General Service (Other level)). In order to ensure that the Office had the flexibility to accelerate or decelerate the phasing out of posts, it was proposed that 26 posts whose functions would be phased out in 2010 be abolished as from 1 January 2010 and that 47 posts whose functions would be phased out in 2011 be abolished as from 1 January 2011, but that their funding be provided through general temporary assistance. Based on the current revised trial schedule it is proposed that 40 posts be abolished during the biennium instead of the previously planned 73, as follows: (a) January 2010: 9 posts (1 P-3, 5 P-2 and 3 General Service (Other level)); (b) June 2010: 2 posts (1 P-3 and 1 General Service (Other level)); July 2010: 1 post (D-1); October 2010: 5 posts (3 P-2 and 2 General Service (Other level)); January 2011: 4 posts (1 P-4, 1 P-3,

1 General Service (Principal level) and 1 General Service (Other level)); March 2011: 1 post (General Service (Other level)); May 2011: 2 posts (1 P-3 and 1 P-2); June 2011: 2 posts (General Service (Other level)); and October 2011: 14 posts (2 P-5, 2 P-4, 6 P-3, 2 P-2 and 2 General Service (Other level)). The remaining positions would be extended through December 2011. The funding through general temporary assistance for the above-mentioned functions is commensurate with the revised level of judicial activity for the biennium;

(b) A provision of $8,826,600 for a total of 895 work-months for the continuation of the functions of posts abolished in 2009 and subsequently funded through general temporary assistance as follows: 58 months at the P-5 level, 200 months at the P-4 level, 233 months at the P-3 level, 41 months at the P-2 level and 363 months at the General Service level (Other level);

(c) A provision of $564,000 for 84 work-months of temporary assistance (24 work-months at the P-2 level and 60 work-months at the General Service level) in order to support the revised trial schedule. This would include support in the areas of pretrial and peak-period trial support and document translation and indexing;

(d) A provision of $119,700 for an additional 2,850 hours of overtime for General Service personnel in 2011 at an average rate of $42 an hour to support four trials (*Prlić et al., Stanišić and Župljanin, Stanišić and Simatović, and Šešelj*).

Travel

29. The additional amount of $184,000 is attributable to 34 additional missions in support of a expanded 2011 trial schedule. The purpose of the missions will be to conduct further trial-related investigations, including proofing witnesses, taking testimony under rule 92 bis, investigating defence cases, serving summonses on witnesses and searching archives for documents and video-link testimony.

Staff assessment

30. Staff assessment costs are estimated at $2,264,400 relating to the general temporary assistance positions described in paragraph 28 above. Those costs will be offset by a corresponding amount under income from staff assessment.

C. Registry

Table 5
Additional requirements by object of expenditure
(Thousands of United States dollars)

	Initial appropriation	*Change*	*Estimate*
Expenditure			
Posts	95 063.7	—	95 063.7
Other staff costs	23 827.2	17 828.6	41 655.8
Consultants and experts	403.4	—	403.4
Travel	3 431.5	—	3 431.5
Contractual services	41 177.8	7 387.8	48 565.6

	Initial appropriation	*Change*	*Estimate*
General operating expenses	27 168.9	—	27 168.9
Hospitality	16.8	—	16.8
Supplies and materials	1 888.7	—	1 888.7
Furniture and equipment	2 859.0	—	2 859.0
Improvement of premises	250.3	—	250.3
Grants and contributions	290.4	—	290.4
Staff assessment	16 475.6	2 789.8	19 265.4
Total	**212 853.3**	**28 006.2**	**240 859.5**
Income			
Income from staff assessment	16 475.6	2 789.8	19 265.4
Other income	277.5		277.5
Total requirements (net)	**196 100.2**	**25 216.4**	**221 316.6**

Resource requirements

Other staff costs

31. The estimated additional requirements of $17,828,600 under this heading would provide for:

(a) General temporary assistance ($16,431,700) as follows:

(i) The provision of $8,724,500 would provide for the continuation of the functions of the positions proposed for abolition in the budget proposal for the biennium 2010-2011 for a total of 1,130 work-months (413 work-months at the Professional level and 717 work-months at the General Service level). It was initially proposed that 113 posts be abolished in the Registry during the biennium 2010-2011 as follows: (a) October 2010: 4 posts (2 P-5, 1 P-4 and 1 General Service (Other level)); (b) November 2010: 5 posts (1 P-2 and 4 Security Service); (c) January 2011: 26 posts (2 P-4, 2 P-3, 4 P-2, 6 General Service (Other level) and 12 Security Service); (d) March 2011: 70 posts (1 P-5, 6 P-4, 11 P-3, 12 P-2, 16 General Service (Other level) and 24 Security Service); and (e) April 2011: 8 posts (Security Service). In order to ensure that the Registry had the flexibility to accelerate or decelerate the phasing out of individual posts, it was proposed that 9 posts whose functions would be phased out in 2010 be abolished as from 1 January 2010 and 104 posts whose functions would be phased out in 2011 be abolished as from 1 January 2011. Based on the current revised trial schedule, it is proposed that 20 posts be abolished during the biennium instead of the previously planned 113, as follows: October 2010: 2 posts (P-5); January 2011: 1 post (Security Service); March 2011: 2 posts (General Service (Other level)); May 2011: 3 posts (2 P-2 and 1 General Service (Other level)); and October 2011: 12 posts (4 P-2, 6 Security Service and 2 General Service (Other level)). The remaining positions would be extended to December 2011. The funding through general temporary assistance for the above-mentioned functions is commensurate with the revised level of judicial activity for the biennium;

(ii) The provision of $6,705,400 would provide for 972 work-months for the continuation of the functions of posts abolished in 2009 and subsequently funded through general temporary assistance as follows: 10 months at the P-4 level, 116 months at the P-3 level, 120 months at the P-2 level, 494 months at the General Service level (Other level) and 232 months at the Security Service level;

(iii) The provision of $931,300 would provide for 104 work-months of temporary assistance for the Chambers Legal Support Section to allow it to cope with the pace of first-instance trial activity (20 months at the P-3 level, 60 months at the P-2 level and 24 months at the General Service level (Other level);

(iv) The provision of $70,500 would provide for 12 work-months at the General Service level (Other level) for a team of locally recruited interpreters in the field offices to cover at a lower cost part of the workload usually undertaken by externally contracted short-term interpreters;

(b) Temporary assistance for meetings ($1,396,900) as follows:

(i) Temporary assistance for interpretation ($1,125,500), representing 1,175 additional workdays, would be required under this heading in order to support additional requirements for interpretation services in the three working languages, namely, English, French and Bosnian/Croatian/Serbian, and in other languages (e.g., Albanian and Macedonian), resulting from the revised trial schedule for the biennium;

(ii) Temporary assistance for translation ($271,400), representing 520 additional workdays for the services of translators and revisers to translate legal documents submitted by the Office of the Prosecutor, the Registry and the Chambers in various language combinations (English, French and Bosnian/Croatian/Serbian), resulting from the revised trial schedule for the biennium.

Contractual services

32. In view of the revised trial schedule, an additional amount of $7,387,800 under this category is required to provide for the following:

(a) Detainee services ($1,201,100) for the continued rental of 12 cells originally due to be returned in December 2010. The United Nations Detention Unit will therefore continue to rent 64 cells until 1 November 2011. The additional resources will cover the lease of cells and services from the host Government for detainees for the 12 additional cells;

(b) Defence counsel fees ($3,659,700) to provide counsel fees ($3,253,700) and travel expenses ($406,000) for an average of 34 accused who are indigent, who will be in trial and appellate proceedings before the Tribunal during the biennium. Although the number will be only marginally higher than in the original proposal (34 instead of 33) because of the slippage in the trial schedule, more accused will still be on trial rather than in appellate proceedings. As the cost of remunerating defence counsel is significantly higher in the trial phase than in the appeal phase, the revision of the trial schedule does have a financial impact on defence counsel fees;

(c) Contractual translation ($150,000) for the translation of an additional 3,000 pages of non-confidential documents submitted in languages other than the working languages of the Tribunal or outsourced to reduce translation backlogs;

(d) Contractual verbatim reporting ($2,377,000) to cover English and French court reporting services for oral proceedings in courtrooms as well as plenary sessions of judges and other meetings requiring transcripts. The estimate corresponds to the cost of an additional 474 courtroom days for both English and French services.

Staff assessment

33. Staff assessment costs are estimated at $2,789,900 relating to the general temporary assistance positions described in paragraph 31 above. Those costs will be offset by a corresponding amount under income from staff assessment.

V. Actions to be taken by the General Assembly

34. **The General Assembly is requested to:**

(a) **Take note of the present report;**

(b) **Approve an additional appropriation in the amount of $47,603,800 gross ($42,549,600 net) to the Special Account for the International Tribunal for the Former Yugoslavia for the biennium 2010-2011.**